

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

:

-v.-

:

CONSENT PRELIMINARY ORDER OF
FORFEITURE/MONEY JUDGMENT

DAVID BINET,

:

S2 19 Cr.824 (PAE)

Defendant.

:

----- X

WHEREAS, on or about March 6, 2020, DAVID BINET (the “defendant”), was charged in a one-count Information, S2 19 Cr.824 (PAE) (the “Information”), with conspiracy to commit wire fraud, in violation of Title 18, United States Code, Sections 371 (Count One);

WHEREAS, the Information included a forfeiture allegation as to Count One, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C), and Title 28 United States Code, Section 2461(c), of any and all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of the offense charged in Count One of the Information, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of the offense charged in Count One of the Information;

WHEREAS, on or about March 6, 2020, the defendant pled guilty, pursuant to a plea agreement, to Count One of the Information, and agreed to forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28 United States Code, Section 2461(c), a sum of money equal to \$1,050,000.00 in United States currency, representing proceeds traceable to the commission of the offense charged in Count One of the Information that the defendant personally obtained;

WHEREAS, the defendant consents to the entry of a money judgment in the amount of \$1,050,000.00 in United States currency, representing any and all property, real and personal, that constitutes or is derived from proceeds traceable to the offense charged in Count One of the Information that the defendant personally obtained, for which the defendant is jointly

and severally liable with codefendant Michael Solomon Markowitz, a/k/a "Sol Markowitz," up to an amount of \$450,000.00 in United States currency, to the extent a forfeiture money judgment is entered against Markowitz in this case; and

WHEREAS, the defendant admits that, as a result of acts and/or omissions of the defendant, the proceeds traceable to the offense charged in Count One of the Information that the defendant personally obtained cannot be located upon the exercise of due diligence.

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Geoffrey S. Berman, United States Attorney, Assistant United States Attorneys David Abramowicz, Jilan Kamal, and Michael McGinnis, of counsel, and the defendant, and his counsel, Henry Mazurek, Esq., that:

1. As a result of the offense charged in Count One of the Information, a money judgment in the amount of \$1,050,000.00 in United States currency (the "Money Judgment"), representing the amount of proceeds traceable to the offense charged in Count One of the Information that the defendant personally obtained, shall be entered against the defendant, for which the defendant shall be jointly and severally liable with codefendant Michael Solomon Markowitz, a/k/a "Sol Markowitz," up to the amount of \$450,000.00 in United States currency, to the extent a forfeiture money judgment is entered against Markowitz in this case.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Consent Preliminary Order of Forfeiture/Money Judgment is final as to the defendant, DAVID BINET, upon entry of this Consent Preliminary Order of Forfeiture/Money Judgment, and shall be deemed part of the sentence of the defendant, and shall be included in the judgment of conviction therewith.

3. All payments on the outstanding Money Judgment shall be made by postal

money order or bank or certified check, made payable, in this instance, to the United States Marshals Service, and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Money Laundering and Transnational Criminal Enterprises Unit, One St. Andrew's Plaza, New York, New York 10007, and shall indicate the defendant's name and case number.

4. The United States Marshals Service shall be authorized to deposit the payments on the Money Judgment in the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

5. Pursuant to Title 21, United States Code, Section 853(p), the United States is authorized to seek forfeiture of substitute assets of the defendant up to the uncollected amount of the Money Judgment.

6. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, upon entry of this Consent Preliminary Order of Forfeiture/Money Judgment, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate, or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents, and the issuance of subpoenas.


7. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2(e) of the Federal Rules of Criminal Procedure.

8. The Clerk of the Court shall forward three certified copies of this Consent Preliminary Order of Forfeiture/Money Judgment to Assistant United States Attorney Alexander J. Wilson, Co-Chief of the Money Laundering and Transnational Criminal Enterprises Unit, United States Attorney's Office, One St. Andrew's Plaza, New York, New York 10007.

9. The signature page of this Consent Preliminary Order of Forfeiture/Money Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

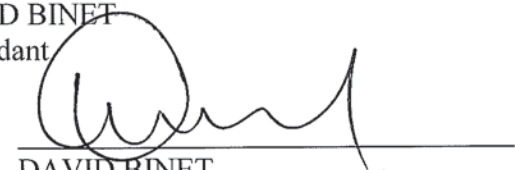
AGREED AND CONSENTED TO:

GEOFFREY S. BERMAN
United States Attorney for the
Southern District of New York

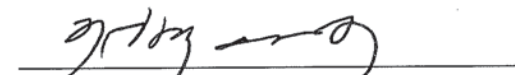
By: 
DAVID ABRAMOWICZ
JILAN KAMAL
MICHAEL MCGINNIS
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One St. Andrew's Plaza
New York, NY 10007
(212) 637-6525 / 2192 / 2305

3/6/20
DATE

DAVID BINET
Defendant


By: 
DAVID BINET

3/6/20
DATE

By: 
HENRY MAZUREK, ESQ.
Meister Seelig & Fein LLP
125 Park Ave., 7th Floor
New York, NY 10017
(212) 655-3594

3-6-20
DATE

SO ORDERED:


THE HONORABLE PAUL A. ENGELMAYER
UNITED STATES DISTRICT JUDGE

3/6/20
DATE